

Amendments to the Drawings

New drawings were filed on March 3, 2004.

REMARKS

Applicants thank the Examiner for the detailed Office Action dated March 1, 2006. Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

Claims 1-31 were pending in the application. Claims 16, 24 and 27 are requested to be cancelled without prejudice or disclaimer. Claims 1, 2, 14, 15, 17, 18, 23, 25, 26 and 28-31 are currently being amended. Claims 32-40 are new. After amending the claims as set forth above, claims 1-15, 17-23, 25, 26 and 28-40 are now pending in this application.

For simplicity and clarity purposes in responding to the Office Action, Applicants' remarks are primarily focused on the rejections of the independent claims (i.e., claims 1, 14, 23 and 28) outlined in the Office Action with the understanding that the dependent claims that depend from the independent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

Claim Rejections – 35 U.S.C. § 102***Independent Claim 28***

On page 2 of the Office Action, independent claim 28 and various dependent claims were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 6,421,593 (Kempen et al.). Applicants respectfully traverse the rejection. Kempen does not identically disclose the subject matter recited in independent claim 28.

Kempen shows a “military vehicle” having a “cooperative control network with distributed I/O interfacing” (Kempen at col. 1, lines 17-18). In a particular embodiment, the invention relates “to a military vehicle having a control system that is capable of reconfiguring itself in response to a failure mode operation” (Kempen at col. 1, lines 19-22).

Kempen does not identically disclose the combination of elements recited in independent claim 28, as amended. For example, independent claim 28, as amended, recites a “portable handheld off-board computer” that is configured to be locally disposed relative to the equipment service vehicle; to communicate wirelessly with the control system and to communicate a command from the portable handheld off-board computer to the control system “wherein the portable handheld off-board computer is configured to be in proximity to at least one of the plurality of output devices and is configured to wirelessly communicate commands to adjust the at least one output device while in proximity to the at least one output device,” which is not identically disclosed in Kempen. Accordingly, Applicants respectfully submit that independent claim 28 and the claims which are dependent thereon are not anticipated by Kempen under 35 U.S.C. § 102(b) and are patentable.

Claim Rejections – 35 U.S.C. § 103(a)

Independent Claim 1, 14, and 23

For simplicity and clarity purposes in responding to the Office Action, Applicants’ remarks are primarily focused on the rejections of the independent claims (i.e., claims 1, 14 and 23) outlined in the Office Action with the understanding that the dependent claims that depend from the independent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

On page 3 of the Office Action, independent claims 1 and 23 and various dependent claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,593 (Kempen), in view of U.S. Patent Application No. 2004/0203974 (Seibel). Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kempen, in view of Seibel, and further in view of U.S. Patent No. 5,844,473 (Kaman).

On page 3 of the Office Action, independent claim 1 and various dependent claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,593

(Kempen) in view of U.S. Patent Application No. 2004/0203974 (Seibel). Applicants respectfully traverse the rejection. None of the cited references, alone or in combination, disclose, teach, or suggest the subject matter recited in independent claim 1.

Kempen relates to a “military vehicle” having a “cooperative control network with distributed I/O interfacing” (Kempen at col. 1, lines 17-18). In a particular embodiment, the invention relates “to a military vehicle having a control system that is capable of reconfiguring itself in response to a failure mode operation” (Kempen at col. 1, lines 19-22). Seibel relates to a “maintenance notification [system] for a maintenance activity associated with a vehicle” (Seibel at col. 1, lines 9-10).

Kempen in combination with Seibel, would not result in the subject matter recited in independent claims 1, as amended, because the proposed modification of Kempen in combination with Seibel does not disclose, teach or suggest the “control system [which] is configured to receive commands,” from a “personal digital assistant,” wherein “the personal digital assistant is configured to be positioned in proximity to at least one of the plurality of output devices and is configured to wirelessly communicate commands to adjust the at least one output device while in proximity to at least one output device” recited in independent claim 1, as amended.

Kempen does not motivate, teach, or suggest the need for or any benefit of a “personal digital assistant [being] configured to be positioned in proximity to at least one of the plurality of output devices and [being] configured to wirelessly communicate commands to adjust the at least one output device while in proximity to the at least one output device.” Kempen does not appear to motivate, teach, or suggest the need for or any benefit of a personal digital assistant. Also, Kempen does not appear to place a personal digital assistant in proximity to at least one of the plurality of output devices, which is configured to wirelessly communicate commands to adjust the output device. Seibel does not motivate, teach, or suggest the need for or any benefit of a “personal digital assistant [being] configured to be positioned in proximity to at least one of the plurality of output devices and [being] configured to wirelessly communicate commands to

adjust the at least one output device while in proximity to at least one of the plurality of output device.” The Siebel system does not appear to place a personal digital assistant in proximity to at least one of the plurality of output devices, which is configured to communicate commands to adjust the output devices. The Siebel system appears to only teach “generat[ing] a notification request” for system maintenance (Siebel, abstract).

Applicants respectfully submit that there is no motivation, teaching, or suggestion to combine the references in the manner asserted in the Office Action because Kempen in combination with Seibel does not disclose, teach or suggest using a “personal digital assistant [being] configured to be positioned in proximity to at least one of the plurality of output devices and [being] configured to wirelessly communicate commands to adjust the at least one output device while in proximity to at least one output device.” To the extent the Patent Office disagrees, the Patent Office is required to make particular findings regarding why the skilled artisan, viewing each reference as a whole and with no knowledge of the claimed invention, would have combined Kempen and Seibel in the manner asserted in the Office Action to provide the subject matter of independent claim 1, even though neither reference discloses any benefit of incorporating the other reference. See In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (holding that the Patent Office must make “particular findings . . . as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”).

Applicants respectfully submit that the subject matter recited in independent claim 1 and the claims which are dependent thereon, considered as a whole, would not have been obvious to a person of skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

Independent Claim 14

On page 3 of the Office Action, independent claim 14 and various dependent claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,593 (Kempen) in view of U.S. Application Patent No. 2004/0203974 (Seibel) and U.S. Patent No.

5,844,473 (Kaman). Applicants respectfully traverse the rejection. None of the cited references, alone or in combination, disclose, teach, or suggest the subject matter recited in independent claim 14.

Kempen relates to a “military vehicle” having a “cooperative control network with distributed I/O interfacing” (Kempen at col. 1, lines 17-18). In a particular embodiment, the invention relates “to a military vehicle having a control system that is capable of reconfiguring itself in response to a failure mode operation” (Kempen at col. 1, lines 19-22). Seibel relates to a “maintenance notification [system] for a maintenance activity associated with a vehicle” (Seibel at col. 1, lines 9-10). Kaman relates to a system to “correlate and collect maintenance information (e.g., indicia of usage) on a number of vehicles” (Kaman at col. 2, lines 65-67).

Kempen in combination with Seibel and/or Kaman, would not result in the subject matter recited in independent claims 14, as amended, because the proposed modification of Kempen in combination with Seibel and/or Kaman does not disclose, teach or suggest a control system which is configured to transmit signals, to a “personal digital assistant,” wherein “the personal digital assistant being capable of generating a report that compares utilization information for each of the vehicles” and further “wherein the report is based on distance traveled by at least one vehicle in the fleet of equipment service vehicles” recited in independent claim 14, as amended.

Kempen does not motivate, teach, or suggest the need for or any benefit of a “personal digital assistant” receiving signals from the control system. Kempen does not appear to motivate, teach, or suggest the need for or any benefit of a personal digital assistant. Also, Kempen does not appear to show a “report based on distance traveled by at least one vehicle in the fleet of equipment service vehicles.” Seibel does not motivate, teach, or suggest the need for or any benefit of a “personal digital assistant,” wherein “the personal digital assistant being capable of generating a report that compares utilization information for each of the vehicles” and further “wherein the report is based on distance traveled by at least one vehicle in the fleet of equipment service vehicles.” The Seibel system does not appear to generate reports that compare vehicle utilization. The Seibel system appears to only teach “generat[ing] a notification

request” for system maintenance (Siebel, abstract). Similarly, the Kaman system does not appear to show a “personal digital assistant,” wherein “the personal digital assistant being capable of generating a report that compares utilization information for each of the vehicles” and further “wherein the report is based on distance traveled by at least one vehicle in the fleet of equipment service vehicles.” The Kaman system appears to only teach “correlate[ing] and collect[ing] maintenance information (e.g., indicia of usage) on a number of vehicles and provid[ing] maintenance recommendations via the display and printer” (Kaman at col. 2, lines 65-67).

Applicants respectfully submit that there is no motivation, teaching, or suggestion to combine the references in the manner asserted in the Office Action because Kempen in combination with Seibel and/or Kaman does not disclose, teach or suggest using a “personal digital assistant,” wherein “the personal digital assistant being capable of generating a report that compares utilization information for each of the vehicles” and further “wherein the report is based on distance traveled by at least one vehicle in the fleet of equipment service vehicles.” To the extent the Patent Office disagrees, the Patent Office is required to make particular findings regarding why the skilled artisan, viewing each reference as a whole and with no knowledge of the claimed invention, would have combined Kempen and Seibel and/or Kaman in the manner asserted in the Office Action to provide the subject matter of independent claim 14 even though these references do not disclose any benefit of incorporating the other references. See In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (holding that the Patent Office must make “particular findings . . . as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”).

Applicants respectfully submit that the subject matter recited in independent claim 14 and the claims which are dependent thereon, considered as a whole, would not have been obvious to a person of skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

Independent Claim 23

On page 3 of the Office Action, independent claim 23 and various dependent claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,593 (Kempen) in view of U.S. Patent Application No. 2004/0203974 (Seibel). Applicants respectfully traverse the rejection. None of the cited references, alone or in combination, disclose, teach, or suggest the subject matter recited in independent claim 23.

Kempen relates to a “military vehicle” having a “cooperative control network with distributed I/O interfacing” (Kempen at col. 1, lines 17-18). In a particular embodiment, the invention relates “to a military vehicle having a control system that is capable of reconfiguring itself in response to a failure mode operation” (Kempen at col. 1, lines 19-22). Seibel relates to a “maintenance notification [system] for a maintenance activity associated with a vehicle” (Seibel at col. 1, lines 9-10).

Kempen in combination with Seibel, would not result in the subject matter recited in independent claims 23, as amended, because the proposed modification of Kempen in combination with Seibel does not disclose, teach or suggest a method of “wirelessly manipulating an equipment service vehicle” by wirelessly “transmitting I/O status information from a control system to a portable handheld off-board computer” and wirelessly “receiving a vehicle test program command from a programmed portable handheld off-board computer positioned in proximity to a first test location,” wherein “the programmed portable handheld off-board computer is configured to perform a vehicle test program to test at least one of the plurality of output devices located at the first test location” and “adjusting the at least one output device located at the first test location responsive to receiving the test program command” recited in independent claim 23, as amended.

Kempen does not motivate, teach, or suggest the need for or any benefit of a method that comprises “wirelessly manipulating an equipment service vehicle” by wirelessly “transmitting I/O status information from a control system to a portable handheld off-board computer” and wirelessly “receiving a vehicle test program command from a programmed portable handheld

off-board computer positioned in proximity to a first test location,” wherein “the programmed portable handheld off-board computer is configured to perform a vehicle test program to test at least one of the plurality of output devices located at the first test location” and “adjusting the at least one output device located at the first test location responsive to receiving the test program command” as recited in amended claim 23. Kempen does not appear to motivate, teach, or suggest the need for or any benefit of a portable handheld off-board computer. Also, Kempen does not appear to show a method of “wirelessly manipulating an equipment service vehicle” by wirelessly “transmitting I/O status information from a control system to a portable handheld off-board computer” and wirelessly “receiving a vehicle test program command from a programmed portable handheld off-board computer positioned in proximity to a first test location,” wherein “the programmed portable handheld off-board computer is configured to perform a vehicle test program to test at least one of the plurality of output devices located at the first test location” and “adjusting the at least one output device located at the first test location responsive to receiving the test program command.” Siebel does not motivate, teach, or suggest the need for or any benefit of a receiving a portable handheld off-board computer in proximity to at least a first test location. The Siebel system does not appear to show a method of “wirelessly manipulating an equipment service vehicle” by wirelessly “transmitting I/O status information from a control system to a portable handheld off-board computer” and wirelessly “receiving a vehicle test program command from a programmed portable handheld off-board computer positioned in proximity to a first test location,” wherein “the programmed portable handheld off-board computer is configured to perform a vehicle test program to test at least one of the plurality of output devices located at the first test location” and “adjusting the at least one output device located at the first test location responsive to receiving the test program command.” The Siebel system appears to only teach “generat[ing] a notification request” for system maintenance (Siebel, abstract).

Applicants respectfully submit that there is no motivation, teaching, or suggestion to combine the references in the manner asserted in the Office Action because Kempen in combination with Seibel does not disclose, teach or suggest using a method of “wirelessly

manipulating an equipment service vehicle” by wirelessly “transmitting I/O status information from a control system to a portable handheld off-board computer” and wirelessly “receiving a vehicle test program command from a programmed portable handheld off-board computer positioned in proximity to a first test location,” wherein “the programmed portable handheld off-board computer is configured to perform a vehicle test program to test at least one of the plurality of output devices located at the first test location” and “adjusting the at least one output device located at the first test location responsive to receiving the test program command” recited in independent claim 23, as amended. To the extent the Patent Office disagrees, the Patent Office is required to make particular findings regarding why the skilled artisan, viewing each reference as a whole and with no knowledge of the claimed invention, would have combined Kempen and Seibel in the manner asserted in the Office Action to provide the subject matter of independent claim 23 even though neither reference discloses any benefit of incorporating the other reference. See In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (holding that the Patent Office must make “particular findings . . . as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”).

Applicants respectfully submit that the subject matter recited in independent claim 23 and the claims which are dependent thereon, considered as a whole, would not have been obvious to a person of skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

* * *

Applicants respectfully submit that the present Application is in condition for allowance. Applicants request reconsideration and allowance of the pending claims.

The Examiner is invited to contact the undersigned by telephone if the Examiner needs anything or if a telephone interview would advance the prosecution of the present application.

Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

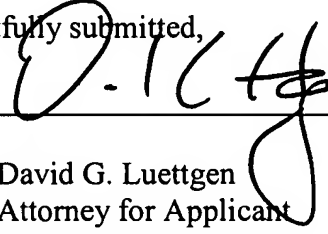
Date

8-1-06

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5769
Facsimile: (414) 297-4900

Respectfully submitted,

By


David G. Luetngen
Attorney for Applicant
Registration No. 39,282